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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/780,741	02/09/2001	Robert Beach	931X	6941
7590	04/05/2005		EXAMINER	SHAH, CHIRAG G
Manu J Tejwani Esq Baker Botts L L P 30 Rockefeller Plaza New York, NY 10112			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/780,741	BEACH, ROBERT <i>(initials)</i>
	<b>Examiner</b>	<b>Art Unit</b>
	Chirag G Shah	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 10 November 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 7-14 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-6 and 14-45 is/are allowed.
- 6) Claim(s) 7-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/27/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis in view of Bahl (U.S. Patent No. 6,629,151).

Referring to claim 7, Lewis discloses in figures 1, 2, 4 and column 4, lines 46 to column 5, lines 62 a method for operating an RF port (transceiver/PCMCIA port 36a, 36b) having a radio module (PCMCIA radio card as in column 5, lines 53-62), a digital processor (main processor 30 figure 2), memory (memory 34 of figure 2), comprising storing a bootloader program in said and operating said RF port under said downloaded instructions to send and receive messages over at least two wireless local area subnetworks occupying common physical space using said radio module (as discloses in figure 4 and in column 7, lines 17-57, the processor 30 refers to its look-up table in the memory 34 to see if the mobile terminal 21 identified in the packet is included, if yes, the processor selects the corresponding transceiver 36 assigned to the mobile terminal 21 indicated in the look-up table). Lewis discloses of accessing the look-up table within the memory in order for the processor to download instruction. Lewis however fails to explicitly disclose of random access memory and read-only memory and read-only memory, operating said digital processor to download instructions from a computer to said random access memory using

said bootloader program. Bahl discloses in figure 1 of a system memory, which includes ROM 24 and RAM25 and further discloses in the respective portions of the specification that the ROM 24 helps to transfer information between elements within the personal computer having a processor 21. The processor 21 downloads instruction from RAM25 using program modules. Therefore, it would have been obvious to one of ordinary skill in the art to modify the explicit teaching of ROM and RAM within the system memory of a computer as taught by Bahl into Lewis invention in order to provide multi-type of computer readable media which can store data that is accessible by a computer in establishing wireless LAN communication.

Referring to claims 8 and 9, Lewis discloses in column 4, lines 47 to column 5, lines 62 wherein said step of operating said RF port (PCMCIA radio card within the RF slot) comprises receiving messages from said computer including protocol message portions for RF message transmission, and transmitting said message including said protocol message portions as an RF and sending RF messages to the computer as data signals encapsulated in a further message protocol (transceivers 36a, 36b receive information packets from a mobile station for RF message transmission and transmit the information packets as a RF signal to the processor, the processor 30 determines if the mobile terminal 21 to which the packet is addressed is registered if so, based on the determination, processor forwards RF message to the mobile station) as claim.

Referring to claim10, Lewis discloses in column 4, lines 47 to column 5, lines 62 a method as specified in Claim 9 further comprising interpreting said RF protocol using said downloaded instructions and sending said RF messages to said computer only if said RF messages include an identification of said RF port (the processor 30 reviews a look-up table in the memory to determine if the mobile terminal 21 to which the packet is addressed is registered,

if so, processor determines which particular transceiver is assigned to communicating with particular terminal 21 to which the packet is address, based on the determination the RF message is forwarded to the mobile station if the message includes an identification of the RF transceiver port) as claim .

Referring to claim 11, 13, and 14 Lewis discloses in column 4, lines 47 to column 5, lines 62 a method as specified in Claim 7 wherein said downloaded instructions configure (each transceiver is configured to operate on a different communication channel) said computer and said RF port to operate as an access point or mobile unit for communication with mobile units as claim

Referring to claim 12, Lewis discloses in column 6, lines 13-59 wherein said computer (processor 30) is operated to control association of said mobile units with said computer and RF port (when the mobile terminal 21 registers with the transceiver 36a, the main processor 30 disables the secondary transceiver 36b by causing it not to respond to the request to register broadcast by mobile terminal 21) as claim.

***Allowable Subject Matter***

3. Claims 1-6 and 15-45 allowed.

***Response to Arguments***

4. Applicant's arguments filed 11/10/04 have been fully considered but they are not persuasive.

Applicant argues dependent claims 2-14 are patentable over the cited references at least for the same reason the independent claims they depend on are patentable. Applicant respectfully disagrees primarily because claim 7 is an independent claim, for which the Applicant does not traverse the prior art rejection filed in the remarks of 11/10/04.

**5. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703)305-9051, (for formal communications; please mark "EXPEDITED PROCEDURE")

**Or:**

(703)305-5403 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 571-272-3144. The examiner can normally be reached on M-F 6:45 to 4:15, 2nd Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cgs  
February 25, 2005

  
Ajit Patel  
Primary Examiner